

COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

EDEN FORD SACHS
PLAINTIFF

Use below number on
all future pleadings

-- VS --

No. A 2004042
SUMMONS

BJS RESTAURANT BREWHOUSE
DEFENDANT

BJS RESTAURANT & BREWHOUSE
CO BJS RESTAURANT OPERATIONS CO
7755 CENTER AVENUE SUITE 300
HUNTINGTON BEACH CA 92647

D - 1

You are notified
that you have been named Defendant(s) in a complaint filed by

EDEN FORD SACHS
2235 STRATORD AVENUE #2
CINCINNATI OH 45219

Plaintiff(s)

in the Hamilton County, COMMON PLEAS CIVIL Division,
AFTAB PUREVAL, 1000 MAIN STREET ROOM 315,
CINCINNATI, OH 45202.

You are hereby summoned and required to serve upon the plaintiff's attorney, or upon the plaintiff, if he/she has no attorney of record, a copy of an answer to the complaint within twenty-eight (28) days after service of this summons on you, exclusive of the day of service. Your answer must be filed with the Court within three (3) days after the service of a copy of the answer on the plaintiff's attorney.

Further, pursuant to Local Rule 10 of Hamilton County, you are also required to file a Notification Form to receive notice of all future hearings.

If you fail to appear and defend, judgement by default will be rendered against you for the relief demanded in the attached complaint.

Name and Address of attorney
JEFFREY T KENNEY
305 WEST NATIONWIDE BLVD
COLUMBUS OH 43215

AFTAB PUREVAL
Clerk, Court of Common Pleas
Hamilton County, Ohio

By RICK HOFMANN

Deputy

Date: November 20, 2020



D130371289



**AFTAB PUREVAL
HAMILTON COUNTY CLERK OF COURTS**

COMMON PLEAS DIVISION

ELECTRONICALLY FILED

November 17, 2020 02:25 PM

AFTAB PUREVAL

Clerk of Courts

Hamilton County, Ohio

CONFIRMATION 1007095

EDEN FORD SACHS

A 2004042

vs.

**BJS RESTAURANT
BREWHOUSE**

**FILING TYPE: INITIAL FILING (IN COUNTY) WITH NO JURY
DEMAND**

PAGES FILED: 4

IN THE COMMON PLEAS COURT OF HAMILTON COUNTY, OHIO

Eden Ford Sachs	:	
2235 Stratford Avenue, #2	:	
Cincinnati, Ohio 45219,	:	
:		
Plaintiff,	:	
:		
v.	:	
:		
BJ's Restaurant & Brewhouse	:	
c/o Registered Agent BJ's Restaurant	:	
Operations Company	:	
7755 Center Avenue, Suite 300	:	
Huntington Beach, California 92647,	:	
:		
Defendant.	:	

COMPLAINT

This case arises out of a severe injury plaintiff suffered while a patron of BJ's Restaurant and Brewhouse. More specifically, plaintiff fell due to a hazardous and dangerous condition that was not open and obvious to plaintiff at the time of the fall. Plaintiff seeks compensatory and punitive damages for her injuries.

PARTIES

1. Plaintiff, Eden Ford Sachs (hereinafter "Ms. Sachs"), resides at 2235 Stratford Avenue #2, Cincinnati, Ohio 45219. Ms. Sachs was seriously injured in a fall that occurred on the defendant's premises on June 23, 2019.

2. Defendant, BJ's Restaurant & Brewhouse (hereinafter "BJ's"), is the owner and operator of BJ's Restaurant and Brewhouse located 2631 Edmondson Road, Norwood, Ohio 45209 (hereinafter "the Restaurant"). At all times relevant, BJ's owned, operated and possessed and controlled the Restaurant and the Restaurant's premises.

JURISDICTION AND VENUE

3. This Court has jurisdiction over this case because plaintiff is an Ohio resident, defendant engages in business in Ohio, and the events giving rise to this lawsuit occurred in Hamilton County, Ohio.

4. Venue is proper in this Court because defendant conducts business in Hamilton County, Ohio and the events giving rise to this action occurred at the defendant's premises located in Hamilton County, Ohio.

BACKGROUND ALLEGATIONS

5. On June 23, 2019, Ms. Sachs was a business invitee of the BJ's restaurant located in Norwood, Ohio.

6. While a business invitee, Ms. Sachs was seated at a booth. As she attempted to get out of the booth, she slipped on the floor and fell immediately onto her back with her left foot under her body. The slipperiness of the floor was neither open nor obvious.

7. Upon witnessing Ms. Sachs on the ground, a BJ's server passing by noted that the floors get slippery from grease.

8. As a result of the fall, Ms. Sachs suffered severe injuries, which included a ligament sprain in her left ankle and an organized hematoma that required surgery.

9. Ms. Sachs' injuries have continued for more than a year and include debilitating pain and suffering. Ms. Sachs has incurred medical expenses, lost income, and substantial pain and suffering.

COUNT ONE -- PREMISES LIABILITY/NEGLIGENCE

10. Plaintiffs repeat and reallege the allegations contained in the preceding paragraphs of the Complaint as if fully restated herein.

11. At all times relevant hereto, plaintiff was an invitee within the scope of her invitation on defendant's premises.

12. At all times relevant hereto, defendant owed plaintiff a duty to exercise reasonable care to make its premises safe for plaintiff and to eliminate hidden dangers and to warn of any known dangers.

13. At all times relevant hereto, defendant owed plaintiff a duty to make reasonable inspections of its premises, to warn Plaintiff of dangerous conditions, to discover non-obvious dangerous conditions, and thereafter, warn plaintiff of the danger or make its premises safe so plaintiff would not be unreasonably or unnecessarily exposed to danger.

14. For among other reasons, defendants breached their duties because they: (1) failed to maintain its premises and areas under its control so as to avoid unreasonably or unnecessarily exposing plaintiff to danger; (2) failed to warn plaintiff of the hazardous area and other non-obvious dangers so as to avoid unreasonably or unnecessarily exposing plaintiff to danger; and (3) failed to discover the dangerous conditions and make it safe for plaintiff. Upon information and belief, defendants' conduct was reckless and constituted a conscious disregard for the safety of defendants' business invitees, including the plaintiff, Ms. Sachs.

15. As a result of the foregoing, plaintiff has suffered bodily injury as well as resulting pain and suffering, mental anguish, lost income and medical expenses.

16. These losses are permanent and continuing, as plaintiff will suffer losses in the future.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests that this Court:

- (a) Award Plaintiff compensatory damages in excess of \$25,000.00;
- (b) Award Plaintiff punitive damages in excess of \$25,000.00 and
- (c) Grant such other relief as may be deemed just and proper.

Respectfully submitted,

/s/ Jeffrey T. Kenney

Jeffrey T. Kenney (0051807)

Melanie M. Lennon (0095576)

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Eden Sachs